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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/216,457 12/18/98 CONNELLY J 2207/6002

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TM11/1020

EXAMINER

ARMSTRONG, A

ART UNIT

PAPER NUMBER

2641

DATE MAILED: 10/20/00

2

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/216,457

Applicant(s)

CONNELLY, JAY H.

Examiner

Angela A. Armstrong

Art Unit

2641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 December 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-16, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dautrich et al. (US Patent No. 4, 972, 485)

Regarding claims 1, 2, 6-14, and 18-20, “comparing a first sound command...to a second sound command...” is taught at col. 3, lines 5-66 continuing to col. 4, lines 1-27;

“...accuracy value is less than predetermined threshold value, replacing at least one...sound command ...with a third sound command...” is taught at col. 3, lines 5-66 continuing to col. 4, lines 1-27, and col. 6, lines 4-56;

“speech enabled apparatus includes a computer...coupled to at least one device using at least one of a serial connection...” is taught at Figure 1, col. 1, lines 64-68, col. 2, lines 1-18.

Regarding claims 3 and 15, “determining a predetermined value...” is taught by Dautrich et al. at col. 4, lines 14-27;

Regarding claims 4 and 16 “...using an acoustical pattern matching procedure” is taught by Dautrich et al. at col. 5, lines 21-67 continuing to col. 6, lines 1-56.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dautrich et al. in view of White (US Patent No. 5,386,494).

Although Dautrich et al. teach the words are similar, they do not teach that any of the words are synonyms. However, refer to White who teaches a computer system having speech recognition capabilities which provides an alternate menu commands in which the alternate commands are synonyms associated with a particular command, for the purpose of making the selection process easier in a command recognition system (refer to col. 8, lines 43-68 continuing to col. 9, lines 1-21).

Therefore, to the extent that Dautrich et al. do not teach that the command words are synonyms, it would have been obvious to one of ordinary skill at the time of invention to modify the system of Dautrich et al. to use alternate commands which are synonyms associated with a particular command for the purpose of making the selection process easier in a command recognition system as taught by White.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ittycheriah et al. (US Patent No. 5,452,397) teach a method and system for preventing entry of confusingly similar phrases in a voice recognition system vocabulary list

Ciluffo (US Patent No. 6,119,088) teach a voice activated programmer for controlling the operation of an appliance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on 703-308-4825. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6306 for regular communications and 703-308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

As of October 2, 2000 the former Technology Center 2700 has been split into two centers (TC 2100 and TC 2600), and former Art Unit 2741 has been designated as **Art Unit 2641**, which new AU number should be used in all future correspondence.

AAA  
October 10, 2000

  
Richmond Dorvil  
Primary Examiner